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Remarks

The present response is to Office Action mailed in the above-referenced case on May 22, 2003. Claims 1-4, 17-19, 21 and 22 are pending for examination. Claims 18-19 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Tognazinni (U.S. 6,263,147 B1), hereinafter Tognazinni. Claims 1-4 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tognazinni. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tognazinni in view of Ichinose.

Applicant has carefully studied the prior art cited and applied by the Examiner, and the Examiner's rejections and statements in the instant Office Action. In response, applicant herein amends the claims to more clearly recite the subject matter of applicant's invention regarded as patentable, distinguishing unarguably over the prior art. Applicant points out and argues the key limitations in the base claims that the Examiner appears to have misunderstood in his rejections and statements.

Applicant herein amends the language of the base claims to specifically recite inserting into the media portion at any point, in real time during the media presentation, a first flag marking the beginning of, and a second flag marking the end of the identified media portion. Applicant reproduces claim 18 below as amended.

Applicant's claim 18 as amended now recites:

18. (Currently Amended) A method for setting and initiating selective playback or permanent storage of stored audio or audio-visual media from a user-interface on a recording device coupled with a media presentation device comprising steps of:

(a) initiating sequential continuous-loop recording of a specific time period of the presented media;

(b) identifying a specific media portion within the specific time period of the continuous-loop recording by inserting into the media portion at any point, in real time during the media presentation, a first flag marking the beginning of, and a second flag marking the end of the identified media portion;

(c) activating a flag-set indicia from a user interface on the recording device;

(d) activating a recover indicia from the user interface of step (c), the recover operation for retrieving the flagged media; and

(e) initiating playback or media store of the flagged portion of media.

Applicant's claim 1 is the apparatus claim in accordance with method claim 18. Applicant accordingly herein amends claim 1 similarly to more clearly recite the limitations as set forth in applicant's claim 18 as amended above.

The Examiner has stated in the instant Office Action that Tognazinni discloses applicant's method for setting and initiating selective playback or permanent storage of stored audio or audio-visual media including inserting, in real time during the media presentation, a flag set marking the beginning and end of the identified media portion. Applicant argues, however, that Tognazinni clearly fails as a primary reference in anticipating all of the limitations of applicant's base claims as amended.

Tognazinni teaches permitting a decision to record time sequential information beginning at a particular point in time, to be made after that particular point in time. Applicant, however, respectfully points out to the Examiner that

Tognazinni does not teach allowing the user to arbitrarily insert into the media portion, in real time during the media presentation, a first flag marking the beginning of, and a second flag marking the end of the selected media portion, as is recited in applicant's base claims as amended. Although Tognazinni teaches permitting a decision to record a portion of media during presentation of the media, the user is not permitted to arbitrarily begin recording of the presented media at any start point other than the beginning of the broadcast of the media.

Applicant now wishes to direct the Examiner's attention to the specification of Tognazinni (col. 6, line 54 to col. 7, line 19), wherein techniques for identifying a start-of-program are described. Tognazinni teaches in one implementation identifying a start-of-program utilizing a simple time function, wherein memory locations written to on exactly the half-hour, as in typical start times of media broadcast presentations such as television programs, for example, may be stored in a pointer and kept until such time as the memory location to which the pointer points is overwritten. Tognazinni further teaches, in an alternative implementation, identifying start times of video programming information, wherein program start/stop information may be available from an electronic TV Guide downloaded over an external communications link, and program guides can be utilized to identify the starting and stopping times of particular programs and particular video channels on which the programs might be available. A plurality of starting pointers may be stored in memory, and each of those pointers would be displayed to the user with an indication of the start time associated with pointer. The user would then select a desired start time from the available starting pointers indicating program start times, i.e., the predetermined scheduled beginning of the broadcasts. Once a program is selected by the user selecting a start time, the corresponding ending time is then determined and the record control function is activated to enable recording of the desired program. Data is read starting with the location pointed to by the start-a-program pointer

selected and writing continues until the address read equals to the location in memory pointed to by the end of program pointer.

Applicant argues that in each implementation Tognazinni discloses recording program material from a source of program material from its beginning, or program start time, or recording at least a portion of one type of information from its beginning after its beginning has passed. Applicant's invention, on the other hand, provides an input for flagging wherein the user may flag a start or end position, completely at the user's discretion, anywhere in the endless recording for later reference. For example, if a user recognizes a song played on the radio or an interview or the like played over the speakers from a radio, that the user would like to retain, the user inserts a flag at the time of his choosing indicating a starting point to be placed in the recording. The user, therefore, determines and chooses a starting point for the start flag as well as the ending point for the end flag, and is not limited to a choice of stored or provided starting points denoting a predetermined program start time, as is taught in Tognazinni.

Claims 1-4 and 17 are rejected as being unpatentable over Tognazinni, and claim 21 is rejected as being unpatentable over Tognazinni in view of Ichinose. Applicant strongly believes that independent claims 1 and 18 are now clearly and unarguably patentable as amended and argued above, over Tognazinni. The reference fails as a primary reference for reading on applicant's claims, either singly or in combination with the teachings of Ichinose. Depending claims 2-4, 17, 19 and 21-22 are then patentable on their own merits, or at least as depended from a patentable claim.
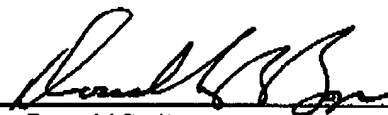
As all of the claims as amended and argued above have been clearly shown to be patentable over the prior art presented by the Examiner, applicant respectfully requests that the rejections be withdrawn, and that the case be passed quickly to issue. If any fees are due beyond fees paid with this amendment, authorization is made to deduct those fees from deposit account 50-0534. If any

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time extension is needed beyond any extension requested with this amendment, such extension is hereby requested.

Respectfully submitted,
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